

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

GERALD L. POLZIN,

Plaintiff,

v.

Case No. 10-C-0038

SHAWN MUTTER et al.,

Defendants.

ORDER

Pro se petitioner Gerald Polzin seeks reconsideration of the portion of my order from July 26, 2011, Docket 42, denying his motion for appointment of counsel. Polzin contends that because he is now engaging in discovering and preparing for summary judgment, counsel should be appointed in this case.

Polzin's motion for reconsideration will be denied. Polzin seems perfectly capable of being able to communicate with the court. His motion for reconsideration is well written and, as I noted in my earlier order, suggests that he has a functional capacity for self-representation. I also note that if Polzin were not a prisoner and sought to obtain counsel on a contingency fee basis as a non-prisoner in his position would do, it is highly unlikely he would find one willing to take his case, given the apparent uncertainty of the claim. It would be strange to afford him greater rights and benefits as a prisoner by having the Court recruit a free attorney for him than he would have as a citizen who had not committed a crime. As I stated in my earlier order, my assessment of the issue may change as the

case develops. At this time, however, I am not convinced that the appointment of counsel is necessary to serve the interests of justice. Accordingly, the motion for reconsideration is **DENIED**.

Dated this 22nd day of August, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge